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RUEHBUL/AMEMBASSY KABUL 0524  
RUEHNE/AMEMBASSY NEW DELHI 0580  
RUEHIL/AMEMBASSY ISLAMABAD 1781  
RUEHKT/AMEMBASSY KATHMANDU 0069  
RUEHLM/AMEMBASSY COLOMBO 0103  
RUEHKA/AMEMBASSY DHAKA 0128  
RHMFIUU/CDR USCENTCOM MACDILL AFB FL//CCJ2/HSE/CCJ5//  
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UNCLAS SECTION 01 OF 03 ASHGABAT 000078

SIPDIS

SENSITIVE

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STATE FOR SCA/CEN (PERRY)

E.O. 12958: N/A

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SUBJECT: Government of Turkmenistan Files Multiple Charges against  
Environmental Rights Activist Zatoka

Summary

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¶1. (SBU) The Government of Turkmenistan responded quickly to Embassy request for information on the arrest of Environmental Rights Activist Andrey Zatoka by a dipnote cataloguing a number of charges ranging from public disorder, to illegal possession of a poisonous snake, a wide variety of weapons charges. The trial is set for January 20, in Dashoguz; OSCE is trying to send an observer. The charges are very serious and, assuming he's found guilty, Zatoka may face more than a decade of prison time. An embassy employee with no political agenda recently received four years for possessing one live grenade. Obviously the possibility remains that the incriminating evidence was planted, though this may never be proven.  
End Summary.

MFA's Quick Response

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¶2. (U) In response to embassy's January 16 diplomatic note asking for official information on the location and legal status of Andrey Zatoka, embassy late January 18 received by MFA diplomatic note a long and detailed account of the Turkmenistan authorities' version of the charges. According to the note, Zatoka is charged with possessing a long list of illegal weapons, ammunition and other items allegedly found in a search of Zatoka's home after he was originally arrested at Dashoguz airport for breach of public order. Following is embassy's translation of the MFA dipnote's full text.

¶3. (U) (Begin unofficial embassy translation)

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Complimentary Opening.....

On December 17, 2006 citizen of Turkmenistan Zatoka Andrey Lvovich was charged with an administrative penalty for public disorder at the airport of Dashoguz in accordance with Article 168 of Turkmenistan's Code on administrative offences. In this regard according to the decision of the Dashoguz City Court Zatoka A. L. was charged with an administrative penalty - administrative arrest.

Also, based on evidence given by A.L. Zatoka, his apartment was inspected by law enforcement officers during operational activities and the following items were found there: 12 grams of strong-acting and toxic mercury, 1 gram of poisonous snake venom, 3 snakes - one of them a poisonous "carpet viper," 1 cartridge for a rifle "TOZ-8", 1 air pistol "IZ-53" and a home-made barrel for this pistol, a home-made flare, a cartridge belt with 4 cartridges, 2 training grenades URG-N-386-6-74 with fuses, 8 used grenade fuses, hunting shotgun shot, 3 flares, 140.7 grams of gun powder for VT rifle cartridges and heavy bullets, 2.4 grams of OD gun powder and 2.2 grams of "Sokol" gun powder.

In addition, the following items also were found in Zatoka's apartment: one self-made firearm made from a starting pistol, 15 shells for a hunting rifle, four shells for the AKM [Kalashnikov] machine gun, several shells for other types of firearms, a pistol holster, one flare, five grenade parts, 18 grenade igniter sets, 10 parts for a homemade flare.

Based on this, a criminal case was instituted against A.L.Zatoka on December 30, 2006, based on Part 1 of Article 287 and Part 1 of Article 302 of the Criminal Code of Turkmenistan with the agreement of the Commission on Enforcement of Criminal Procedures under the Hakimlik of Dashoguz City.

On January 2, 2007 during a preliminary investigation A. L. Zatoka was arrested by the decision of the State Commission of Turkmenistan on Enforcement of Certain Criminal Procedures and on the grounds of Article 131 of the Criminal Procedure Code of Turkmenistan. On January 5 he was charged with violations of section 1: article 287, section 1: article 288, section 1: article 302 and article 306 of the Criminal Code of Turkmenistan. Detention in custody was imposed as a pre-trial restraint measure.

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The accused person, A.L. Zatoka, is also suspected in committing other criminal actions. In this regard, investigative actions aimed at finding his guilt are currently under way.

Complimentary Closing.

Ashgabat, January 18, 2007

End Text of Diplomatic Note.

Background on Zatoka

14. (SBU) International human rights groups monitoring Turkmenistan reported starting December 19 the detention of ecologist and civil society activist Andrey Zatoka in Dashoguz, northern Turkmenistan, on December 17. The Vienna-based Turkmen Initiative for Human Rights (TIHR), led by dissident Farid Tuhbatullin, claimed that "the reasons for Zatoka's detention remain unclear, but the circumstances clearly suggest that it was an act of intimidation motivated by his civil society engagement." According to the report, Zatoka was detained as he was at Dashoguz airport leaving for Ashgabat, from where he was to travel to Moscow to attend a meeting as advisor to the International Social and Ecological Union.

15. (SBU) Zatoka is co-chair of the Dashoguz Ecological Club, a USAID Counterpart Consortium program facilitator, and was a FY-2005 International Visitors Leadership Program (IVLP): Non-Governmental Organizations, Social Issues and Civil Society participant. A modest FY 2003 Democracy Commission grant was issued to the Dashoguz Ecological Club to open a video studio in order to produce short movies, open two video rental stations and conduct weekly film shows in the EcoClub's Dashoguz office and throughout Dashoguz Welayat. Only the grant equipment was purchased before the NGO was closed by a court order in late October 2003 (Note: The NGO was closed when a court determined that the club's charter did not meet the requirements of the new law on public associations, which was officially issued in early November 2003. End Note.)

¶6. (SBU) Zatoka worked with Farid Tuhbatullin in the Dashoguz Ecological Club, before Tuhbatullin's arrest following the alleged coup d'etat attempt in November 2002. Farid Tuhbatullin was amnestied in the spring of 2003, following the OSCE Chairman in Office's meeting with President Niyazov. Thereafter, Tuhbatullin emigrated to Austria and started the Turkmen Initiative for Human Rights (TIHR), an NGO that monitors human rights issues in Turkmenistan. TIHR has been known for its extensive reporting from Dashoguz Province, the region where Zatoka resides. An August 22, 2005 press release by TIHR reported specific details about post's human rights conference sponsored jointly with the Government of Turkmenistan in Ashgabat on August 18-19, 2005. Zatoka was seen at the conference recording presentations on an audio tape, not a common practice in Turkmenistan.

¶7. (SBU) Subsequent to Zatoka's reported arrest, Post heard, semi-directly, that it was related to the unlicensed transport of reptiles, and that Zatoka expected to be routinely released after five days. According to Dashoguz's Counterpart Consortium staff, Zatoka asked that the embassy not intervene with the government of Turkmenistan on his behalf. Zatoka said he was being detained because of his attempt to transport live reptiles without the proper licenses. Any efforts on the part of the embassy would only bring unwelcome attention to his work and travels, and could prove problematic in the long-run.

¶8. On January 15, Department forwarded to post the text of a letter to Secretary Rice signed by Zatoka's Russia-based wife and two children asking USG efforts to ascertain her husband's status and ensure fair treatment. Simultaneously, media publicized reports from Moscow of unusual efforts by human-rights activists there publicizing Zatoka's situation, including a letter to President Putin signed by over two hundred signatories headed by famed human-rights figure Ella Pamfilova. In light of these fresh developments, embassy prepared and sent a dipnote to the

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Turkmenistan MFA requesting official information as to Zatoka's location and legal situation. The UK Embassy sent its own dipnote on the same subject. Lengthy MFA responses to both dipnotes were received on January 18.

Jail Time  
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¶9. Depending on how the court calculates the penalties related to these charges, Zatoka faces a minimum of a decade of imprisonment. OSCE plans to request permission to send an observer to the trial scheduled for January 20 in Dashoguz.

Planted?  
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¶10. Zatoka, a well-known, colorful and fearless personality has long been interested in snakes, reptiles and hunting. It is unlikely he was unfamiliar with regulations related to keeping poisonous animals in apartments or possession of firearms. Embassy may never know whether the incriminating items, or at least some of them, linked to Zatoka's hobbies, were planted.

Comment  
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¶11. The Government of Turkmenistan has repeatedly demonstrated it will spare no means to imprison someone it wants out of the way. If Zatoka actually possessed any of the incriminating items, the penalties are clear. An embassy employee currently faces four years for possessing a live grenade and one of his cell mates is serving two years for illegal possession of a knife. Zatoka needs a lawyer, and embassy is attempting to provide him/his family with embassy's lawyers list. Charge also is meeting with the Russian Ambassador on January 19 to discuss the case. End Comment.

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